

HIS MAJESTIES
 GRACIOUS LETTER
 TO THE
 Convention of Estates
 IN
 SCOTLAND,
 The 13th of JUNE, 1678.
 AND THE
 SPEECH
 OF HIS GRACE
 THE

Duke of Lauderdale,
 HIS MAJESTIES High Commissioner,
 TO THE
 CONVENTION of ESTATES at *Edenburgh*,
 The 4th of JULY, 1678.
 WITH THE

DUTIFUL LETTER

Sent to His MAJESTY, from the Convention
 of Estates in *Scotland*, the 11th of July, 1678.

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GRAND CHURCH
TO THE
Convention of
SCOTLAND
OF THE
ST. PETER



Duke of
Convention of
Agenda of
DUTY
Sent to
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Printed by
M. D. C. L. X. V. I. I.

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HIS MAJESTIES
GRACIOUS LETTER
TO THE
Convention of Estates
IN
SCOTLAND,

The 13th of JUNE, 1678.

CHARLES R.

My Lords and Gentlemen,

AS We have, by many former Letters directed to preceding Parliaments and Conventions, so often and so fully expressed Our great Confidence in the Heartly, Loyal and Sincere Affections both of the Representative, and of the much greater part of the Body of that Our Ancient Kingdom; so now We cannot but assure you, That We repose the same Confidence in you of this Convention; Resolving that this Our renewed Assurance We have of you, shall remain on Record to Posterity as well as the former. Those Conventions preceding you, did fully answer Our Expectations, and We have good reason to have the same Confidence of you. And therefore We shall only acquaint you with the Reasons of Our Calling you together.

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The great Kindness We bear to that Our Ancient Kingdom, hath, at all Times, inclined Us to be very watchful over all its Concerns; And considering that all Kings and States do at present carefully Secure Themselves and their People, by providing against all such Foreign Invasions, and Intestine Commotions, as may make them a Prey to their Enemies; It is not fit, That that Our Kingdom should only, of all others, remain without Defence; Especially at a time wherein those dangerous Field-Conventicles (so justly termed in our Laws, *The Rendezvous of Rebellion*) do still grow in their Numbers and Insolencies; Against all which, Our present Forces cannot in reason be thought a suitable Security. Therefore, and that we may be the better enabled to raise some more Forces, for securing that Our Kingdom against all Foreign Invasions, and Intestine Commotions, and to the end they may be maintained by such equal and regular Wayes as may give least Dissatisfaction to Our People, and to let the World see the Unanimous Affection of Our People to Us: These are the only Reasons of Calling you together at this time. And although We have been always very unwilling to lay Burthen upon that Our Kingdom, yet We could not neglect the giving you this opportunity, to witness your Affection to Our Service, especially in so dangerous a Time, and for so important a Cause. And seeing We are resolved to employ what you shall give, only for the Peace and Security of that Our Kingdom, We doubt not but you will chearfully give such a Supply as may be effectual for the Ends proposed, such as the Kingdom can bear.

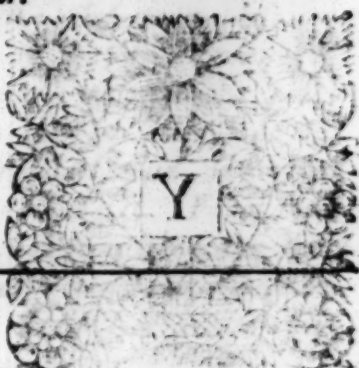
As to the way of raising this Supply, We know the like hath been formerly done, both by way of Taxation, and by way of Valuation of the yearly Land-Rents, and we know Taxation to be the ancient way, yet We understand it will take so much time in Collecting, that it will not answer the present Exigent; Therefore we do earnestly recommend to you, to take the most easie and expedite way of raising Money for this so necessary Work. We confidently expect that all Ranks and Conditions of Men, (excepting only Colleges and Hospitals) will willingly Contribute for the Defence of the Kingdom, and their own Preservation, against Foreign and Domestick Enemies. This is the only Business you are to do in this Convention.

We

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We have made choice of the Duke of *Lauderdale* to be Our Commissioner for this Convention, who hath so often faithfully served Us in that Station; and not only in this, but in all other Capacities, as well for Our Interest, as for the Advantage of His Native Country; And therefore We do expect you will give entire Credit unto him whom We so much trust. He will more particularly acquaint you of what may concern this Business, for which We have now called you. He will also tell you how confident We are of you, and how ready we shall be, upon all occasions, to do every thing that may be for the Good of that Kingdom, whose Interest shall ever be dear unto Us; And so we cannot but be confident, That after your Dissolution, you will in your several Stations, give real Testimonies of your Zeal to Our Service, to the Maintenance of Our Government both in Church and State, as it is now Established by Law, and to the preserving the Peace of the Kingdoms in which, according to every Mans Actions, he may expect Marks of Our Royal Favour. And so We bid you heartily Farewell.

Given at Our Court at Whitehall, the 13th day of June, 1678:
and of Our Reign the 30th Year.



THE
S P E E C H
OF HIS GRACE

THE
Duke of Lauderdale,

HIS MAJESTIES High Commissioner
TO THE
Convention of Estates at EDENBURGH,

The 4th of JULY, 1678.

My Lords, Spiritual and Temporal, and you Gentlemen the
Commissioners of the Shires, and of the Royal Burroughs,



YOU have heard in His Majesties Most
Gracious Letter, now read to you, the
renewed Expressions of His Kindness
to, and Confidence in the hearty,
Loyal and Sincere Affection of you
the Representers, and of the much
greater part of the Body of this
Ancient Kingdom. He hath so fully
expressed this to all the Sessions of the
Two Parliaments, and to the Two for-
mer Conventions; He hath given such real, and such convincing
Testimonies of this, in all the Acts of His Government these
Eighteen Years, since His Most Glorious and Happy Restoration,
which I am sure are so deeply rooted in all your Hearts, that I shall
not further insist. His Majesty hath fully and clearly express'd the
Reasons of His Calling this Convention, and of His Expectation of
such a Supply, as may Enable Him to protect and defend you against
Foreign Invasion, or Intestine Rebellion: On this I shall enlarge a
little.

You

You may remember that Four Years ago, in the last Session of the Parliament, though the King was actually Engaged in a great War, yet knowing the low Condition of this Kingdom, He asked no Supply, for then there was no appearance of any Insurrection here, though soon after the end of that Parliament, the Fanaticks broke out very insolently in divers places; I shall not reflect how this

But this Year they have been much more insolent in numerous Field Conventicles, which the Law justly terms, Rendevouzes of Rebellion; And the Countries most infested, declared, That they were not able to suppress them, so there was a necessity to draw Force together: I shall not repeat what followed upon that Occasion, nor reflect upon any thing that past since; I will only look forward how the Kingdom may be secured in this great Conjunction, by the fairest and most easie wayes.

About the time of the date of the Kings Letter, there was an appearance of Peace betwixt our nearest Neighbors, in France, Flander, and the United Provinces, which now seems to be at least returned, and all Countries prepare for their Defence, which makes it necessary that this Kingdom should not be the only Country left without any Defence; Here is no more than one Regiment of Foot, and one Troop of Guards, of standing Force, and the King himself can bear no more; I need not therefore enlarge on the necessity of raising more standing Force regularly paid, to prevent the Quarter, which would be otherwise unavoidable. For if there should be an Invasion, or if those Field Conventicles (the true Rendevouzes of Rebellion) should join in open Rebellion, as they did in the Year 1666, the whole Power of the Kingdom must be drawn together; how burthensome that would be, I leave you to judge; and nothing can prevent such a Rebellion, but some more standing Forces regularly paid, which may not only prevent it now, by Gods blessing, but secure us from it for the future.

My Lords and Gentlemen,

The King, like a true Father of His Country, puts you in mind of your danger, and proposes to you the fairest, the easiest, and the most equal Remedy. His Majesty hath these Eighteen Years, in all His Kingdoms, solemnly professed His Abhorrence of Arbitrary Government,

Government, His Ruling by the Law; and His inviolable Care to preserve the Liberty and Property of His Subjects: Those Professions have been fully made good by all the Acts of His Government since His Happy Return: And I do, in His Majesties Name, assure you, That He will be as careful of your Liberties and Properties, as of anything on Earth that is nearest and dearest to Him; And if any intrusted by Him shall transgress, they may certainly expect to be crush'd under His just Displeasure: He will maintain the true Religion; and the ancient Government of this Church, as now established by Law; He will Execute the Law against Transgressors; He will Maintain His Judicatures; He will defend His good Subjects in all their just Rights: Who would not then chearfully and thoroughly Serve and Obey so Gracious a King? And what He demands, shall, I hope, appear necessary and easie: It will be some Burthen, I confess, but when you consider this great Truth, That this Countrey in Europe hath born so little Publick Burthen as this, at all since the Year 1672. And how what hath been given, has been wholly employ'd for those Publick Ends for which it was given. And this I do assure you shall most exactly be.

Consider all the intolerable Burthens you lay under, while you were under Rebellion; Call to mind the Monthly Maintenance of the Cesses, the Loans, and that unparallel'd Oppression of your Money from whom they pleas'd, without Rules of Reason, but their own Willy, which was their Law; This borrowing, was indeed, raising Money, which was never Repaid: Call to mind that Tyranny of the Traiterous Usurpers, their most insufferable Tax of Ten shillings and pence per Menssem, for many Years; And lastly, their Six thousand pounds per Menssem constantly, till His Majesties Glorious Return.

You cannot forget their Fining and Forfeiting, their Imprisoning many of the Kings best Subjects, and the other Acts of their unlimited and most inhumane Tyranny, which lasted Two and twenty Years, till God broke their Bonds, and set us free, by the Return of our Lawful and Most Gracious King. Compare then what We suffered for not Obeying the King, and for our Rebellion, and the Effects of this Rebellion, the Sword of merciless Traitors, whom our Divisions only enabled to subdue us, and I hope you will clearly see how happy we are in Loyalty.

You cannot imagine that the King intends to keep up a constant Force, while you remember that in the Year 1666, the Forces then raised, were by His Majesty readily disbanded when that Exigent was over, though no small Endeavors were used for their continuance.

The Force the King designs to raise, shall not be formidable, but moderate, such as are of absolute necessity, to which, I hope, you will give a hearty, a ready, and an Unanimous Consent: The wayes of imposing it are left to your selves, not doubting but you will take the expeditest way, as is hinted in the Kings Letter; And I perswade my self, by your Unanimity, you will consider your own Reputation and the Honor and Security of Scotland, in this so necessary Service to the best of Kings.

T H E
Dutiful LETTER

Sent to His MAJESTY, from the
Convention of Estates in SCOTLAND,
The 11th of JULY, 1678.

May it please Your Sacred Majesty,



When we reflect upon the great Happiness of living under a King of our own Nation and Religion, whose Predecessors have for many Ages kept us from being Conquered by Strangers, and a Prey to one another; And how that though We have been so Unhappy, as not to have had Your Majesties Sacred Person amongst us, yet Your Majesty does alwayes, with a most Fatherly Care, provide for our Security and Happiness; so that whilst our Neighbors have been spending their Estates and Blood in cruel Wars, we have enjoyed a most sweet and profitable Peace. We cannot be so far wanting to our Duty, as not to embrace every Occasion of testifying to the World, our humble and thankful Acknowledgment of those Blessings, which we value as much, because they are Marks of Your Majesties Favor, as for being the Effects of Your Royal Protection.

And therefore we, Your Majesties most Faithful and most Loyal Subjects, the Lords Spiritual and Temporal, and the Representatives of the Shires and Boroughs of this Your Ancient Kingdom, being Assembled in this the fullest Convention that ever has been seen of Your Majesties Estates, do, in a Dutiful Return to those and the other Marks of Your Majesties Royal Care and Kindness, assure Your Majesty, That though Factionous and Humorous Persons may seduce some in this Nation to depart from their Duty, yet there is generally so much Innate, National,

nal, and Unalterable Kindness and Duty, in the Hearts of the Subjects of this Your Majesties Ancient Kingdom, that these Errors do in most proceed rather from a misrepresentation of Your Majesties Inclinations, than from any formed Resolutions of opposing Your Authority. And that the World may know how much we trust Your Majesties Judgment, and how intirely we believe the Measures You take, to be the best and safest, We acknowledge it is fit we should Enable Your Majesty to resist all Foreign Invasions, at this Time especially, wherein all Europe has too apparent Reason to be jealous of so Potent and Restless Neighbors. And therefore without prying into Foreign Mysteries, (which are the proper Employment of Princes) we do, with all humble Confidence, repose intirely upon Your Majesties wise Conduct, being fully resolved to contribute our Lives and Fortunes towards the maintenance of Your Majesties Honor and Greatness, in which our Peace and Safety are inseparably included.

We hope Your Majesty will not think it strange, that after so impetrate and raging a Rebellion as that was, which for so many Years wasted all Your Majesties Dominions, we should not so fully and so soon return to our former Integrity, as that some of us should not need sometimes Your Majesties Pardon, and all of us, at all times, Your Majesties Assistance; But we hope that Time and Reason will, with Your Majesties Justice, Clemency and Prudence, reduce this Your Ancient Kingdom, in a short time, to its former intire Loyalty: Such as trouble our Peace becoming daily more inconsiderable in their Numbers, as they have for a long time been, and have, in this Representative of Your Majesties Kingdom, appeared to be as to their Interest. And that these Rebellious and Schismatick Principles may be rooted out by lawful and sutable means, we have offered Your Majesty a Supply, which nothing, save the Sincerity, Unanimity, and the Affection wherewith it was offered, could make any way considerable. And to make the same yet more effectual for attaining so desirable Ends, we assure Your Majesty, That we shall contribute our hearty Endeavors for suppressing those Factious and Schismatick Humors, which, if favoured, or indulged, would soon ripen into a new Rebellion; Knowing, that the surest way to lessen our Burdens, is to remove their Cause. And as this Supply is furnished,

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We hope Your Majesty will not think it strange, that after so moderate and raging a Rebellion as that was, which for so many years wasted all Your Majesties Dominions, we should not so suddenly and so soon return to our former Integrity, as that some of us should not need sometimes Your Majesties Pardon, and all of us, all times, Your Majesties Assistance; But we hope that Time and Reason will, with Your Majesties Justice, Clemency and Prudence, reduce this Your Ancient Kingdom, in a short time, to its former intire Loyalty; Such as trouble our Peace becoming daily more inconsiderable in their Numbers, as they have for a long time been, and have, in this Representative of Your Majesties Kingdom, appeared to be as to their Interest. And that these Rebellious and Schismatick Principles may be rooted out by lawful and sutable means, we have offered Your Majesty a Supply, which nothing, save the Sincerity, Unanimity, and the Affection wherewith it was offered, could make any way considerable. And to make the same yet more effectual for attaining so desirable Ends, we assure Your Majesty, That we shall contribute our hearty Endeavors for suppressing those Factious and Schismatick Humors, which, if favoured, or indulged, would soon ripen into a new Rebellion; Knowing, that the surest way to lessen our Burdens, is to remove their Cause. And as this Supply is furnished,

mitted, at this time, with respect only to the present Exigence, this shall not lessen our forwardness in appearing universally betwixt 60 and 18, (Conform to the Laws of this Your Majesties Kingdom) with great Alacrity and Chearfulness, when ever Your Majesty call for our Assistance.

We hope that the Duke of Lauderdale will inform Your Majesty, with what Respect we received and used him as Your High Commissioner; Knowing, that not to believe what is represented, in Your Majesties Name, by your Ministers, is as dangerous as to oppose Your Person in defence of Your Authority; but of these furnishing equally Pretexts of opposing the Royal Power, when it does not please us. His management of Affairs in this Convention, has justified Your Majesties Choice of him and will (we hope) answer Your Expectation.

Having thus satisfied Your Majesties just Desires, we beseech Your Majesty, who uses alwayes to lessen our greatest Guile, and to heighten the value of our meanest Endeavors, will continue Your Care of our Concerns, Your Goodness having left us nothing else to Crave; That enjoying the pious and free Exercise of the Protestant Religion, as it is presently Established in its Doctrine and Government, and the just Liberties of our Persons and Properties, in the due Administration of the Lawes and Customs of our Native Countrey, we may continue to bless God for a King, who, like God, (from whom alone our Kings derive their Power) never uses his Power, but to do good; and may with all Chearfulness ready to hazard what is so preserved to us, in the defence of Your Majesties Royal Person and Government. And this we have ordered to be Signed by Your Majesties Chancellor, in Name of

Edenburgh,
July 11.
1678.

Your Majesties most Humble,

Most Faithful and Most Obedient

Subjects and Servants,

Roths Cancell. L. P. D. Con

Some Particular Matter of Fact relating to the Administration of Affairs in Scotland under the Duke of Lauderdale.

Humbly offered to your Majesties Consideration, in Obedience to your Royal Commands.



THE Duke of Lauderdale did grossly misrepresent to your Majesty the Condition of the Western Counties, as if they had been a State of Rebellion, though there never had been any Opposition made to your Majesties Authority, nor any Resistance offered to your Forces, nor to the Execution of the Laws; but he purposing to abuse your Majesty, that so he might carry on his sinister Designs by your Authority, Advis'd your Majesty to raise an Army against your peaceable Subjects; at least did frame a Letter which he sent to your Majesty to be signed by your Royal hand, to that Effect, which being sent down to your Council, Orders were thereupon given out for raising an Army of eight or nine thousand men, the greatest part whereof were *Highlanders*: And notwithstanding, that to avert this Threatning, the Nobility and Gentry of that Country did send to *Edinburgh*, and for the Security of the Country did offer to engage, that whosoever should be sent to put the Laws in Execution, should meet with no opposition; and that they would become Hostages for their Safety. Yet the Army was march'd and led into a peaceable Country, and did take free Quarters according to their Commissions, and in most places levied great sums of money under the name of dry Quarters; and did plunder and rob your Subjects, of which no redress could be obtained, though Complaints were frequently made; All which were expressly contrary to the Laws of the Kingdom.

II. In these Quarterings it was apparent that regard was only had to that Dukes private Animosities; for the greatest part of those places that were most quartered on, and pillaged, had not been guilty of any of the Field Conventicles complained of; and many of the places that were most guilty were spared upon private Considerations.

III. The Subjects at that time were required to subscribe an exorbitant and illegal Bond, which was impossible to be performed by them, that they, their Wives, and Children, and Servants, their Tenants, and their Wives, Children and Servants, should live orderly according to Law, not go to Conventicles, or entertain vagrant Preachers, with several other particulars: By which Bond, those which signed it were made liable for every malefactor that liv'd upon their ground.

IV. Your Majesties Subjects were charged with Laborrows denounced Rebels; and Captions were issued out for seizing their persons upon their refusing to sign the aforesaid Bond; and the Nobility and Gentry there, who have ever been faithful to your Majesty, did not appear'd in Arms for suppressing the last Rebellion, were disarm'd upon Oath; a Proclamation was also issued, forbidding them upon great penalties, to keep any horses above five pounds ten shillings value.

V. The Nobility and Gentry of the Shire of *Ayre*, were also indicted at the Instance of your Majesties Advocate of very high Crimes and Misdemeanours, whereof some did deny the same; These Indictments were deliver'd them in the Evening to be answered by the next Morning upon Oath; and when they did demand two or three days time to consider of their Indictments, and crave the benefit of Lawyers to advise with, in matters of so high concernment; and also excepted to their being put to swear against themselves on matters that were Capital, which was contrary to all Law and Justice. Those their desires were rejected, though the like had never been done to the greatest Malefactor in the Kingdom. And it was told them, that they must either swear instantly, or they would be taken for malefactors, and proceed accordingly.

VI. The Noble men and Gentlemen knowing themselves Innocent of all that had been charged against them, did purge themselves by Oath of all the particulars that were objected to them, and were thereupon acquitted. And though the Committee of the Council did the several manner of Inquiry, to discover any Treasons or unreasonable Designs which were pretended as the grounds of Leading in that Army into those Countries; yet nothing could ever be proved; so false was that Suggestion concerning a Rebellion then designed, that was offered to your Majesty, and prevailed with you for sending the aforementioned Letter.

VII. The Oppressions and Quarterings still continuing, the Noblemen and Gentlemen of those Countries went to *Edinburgh*, to represent to your Council the heavy Pressure that they and their People lay under, and were ready to offer to them all that in Law or Reason could be required of them for securing the Peace; the Council did immediately upon their appearing there, set forth a Proclamation, requiring them to depart the Town within three daies, upon all highest pains. And when the Duke of *Hamilton* did petition for leave to stay 2 or 3 daies longer for some very urgett Affairs, that was refused him.

VIII. When some persons of Quality had declared to the Duke of *Lauderdale*, that they would go and represent their Condition to your Majesty, if they could not have Justice from your Ministers, for preventing that; a Proclamation was set forth, forbidding all the Subjects to depart the Kingdom without License, that so your Majesty might not be acquainted with the said Condition of your Subjects from making this Application to your Majesty; no less contrary to your Majesties true Interest (who must always be the Refuge of your People) than to the natural Right of the Subject.

The former particulars relate to the Infrasion of the Rights of great numbers of your Subjects; all at once what follow, have added only pain on some single persons, yet so that your whole People apprehend they may be all upon the slightest occasions brought under the like mischiefs.

The Council hath upon many occasions proceeded to a new kind of Punishment; of detaching men incapable of all Publick Trust, concerning which your Majesty may remember what Complaints the said Duke made, which (during the Earl of *Maitland's* Administration) they themselves were placed under, and incorporated by an Act of Parliament: The words of that Paper against the Earl of *Maitland* are, *incapacitating*; was to whip with Scorpions, a Punishment to rob men of their Honours, and to lay a lasting stain upon them and their posterity: And if this was complained of when done by the High Court of Parliament, your Majesty may easily conclude it cannot be done in any lower Court; But yet notwithstanding it is become of late years an ordinary Sentence in Council; when the least Complaints are brought against any with whom the Duke of *Lauderdale* and his Brother are offended, it is a sufficient cause of banishment, and they are forever excluded from all publick employments.

The detaching is worthy Citizens of *Edinburgh* incapable of Publick Trust; against whom no Complaint was ever made to this day; as your Majesty will perceive more fully by a Paper concerning that Affair; the true Cause of it was, that those then being in the Ministry, *James Douglas* and his Brother could not get a vast Bribe from them but of the Towns money, which was set towards obtained, when they were removed.

The Provost of *Glasgow*, *James Gordon*, and *James Gordon*, were put under the same Sentence for signing a Letter to your Majesty in the Convention of the *Burghs*, with the rest of the Body, which Letter was advised by him, who is now your Majesties Advocate: At what which had nothing to do, which could bring them under any guilt; and yet those three were banished out of the whole northern and incorporated; besides an high Fine, and a long Imprisonment: your Majesty will more fully perceive by another Paper, that *James Gordon*, being sent by the Shire of *Berwick* to complain of some illegal proceedings, and to obtain a legal remedy to them, which he did only in the common form of Law, was also declared incapable of Publick Trust; besides many months Imprisonment.

The Provost of *Edinburgh*, being complained of for not furnishing some of your Forces with baggage Horses, was called before the Council; and because he said, that they were not bound to furnish Horses but such manner, he was immediately declared incapable of Publick Trust, and was both Fined and Imprisoned.

The Citizens of the Town of *Saint Johnstone* incapacitated upon a very slight pretence, so that it is impossible for them to find a sufficient number of Citizens for the Magistracy of that Town; or such need have had all the Citizens banished, and often kept Prisoners many months and years, nothing being objected to them, and no required

required to enter themselves Prisoners, which is contrary to Law; It was in the former Article expressed, that many of the persons declared incapable of Publick Trust, did also suffer Imprisonment: And besides these Instances, Lieutenant General *Drummond* (whose eminent Loyalty, and great Services are well known to your Majesty) was required to enter himself Prisoner in the Castle of *Dubberion*, where he was kept one year and a half, and was made a close Prisoner for nine months of that time, and yet nothing was ever said to him to this day to justify that usage.

The Lord Cardross was for his Ladies keeping two Conventicles in her own House (at which he was not present) Fined 11000 £. and hath now been kept four years Prisoner in the Castle of Edinburgh, where he still remains, although he hath often petitioned for his Liberty. And Sir Patrick Holmes hath been now a second time y^e last year Imprisoned, and nothing is yet laid to his Charge.

Befides these Illegal Imprisonments, the Officers of your Majesties Forces carry frequently Warrants with them for apprehending persons that are under no legal Censure; nor have been so much as Cited to appear, which hath put many of your Subjects under great fears, especially upon what was done in Council three years ago. Captain *Crawfairs* was now well enough known to your Majesty, did instigate one *Kirkron* an Ouncel-Minister into his Chamber at *Edinburgh*, and did violently abuse him, and designed to have extorted some money from him; the noise of this coming to the Ears of one *Baily*, Brother-in-law to the said *Kirkron*, he came to the House, and hearing him cry Murder, Murder, forc'd open the Chamber-door, where he found his Brother-in-law, and the Captain grappling; the Captain pretended he had a Warrant against *Kirkron*, and *Baily* desired him to shew it, and promised that all obedience should be given to it; but the Captain refusing to do so, *Kirkron* was rescued: This was only delivering of a man from the hands of a Robber; which Nature obligeth all men to do, especially when joined with so near a Relation. The Captain complained of this to the Council and the Lord *Harran* with others were appointed to examine the Witnesses; and when it was brought before the Council, the Duke of *Hamilton*, Earls of *Myrton*, *Dumfries* and *Kincardine*, the Lord *Guthrie*, and Sir *William Primrose*, then Lord Register, desired that the Report of the Examination might be read; but that not serving their Ends, was denyed: And thereupon these Lords delivered their Opinion, that since *Guthrie* did not shew any Warrant, nor was charged with any Faults, Character, it was no opposing of your Majesties Authority in *Baily* to do as he did *Kirkron*; yet *Baily* was for this Fined in 6000 marks, and kept longer

[illegible]

The Council hath upon many occasions proceeded to most unreasonable and Arbitrary, either for slight Offences, or for great Offences where the Fine is regulated by Law, they have been considered; when the persons were not acceptable to them. So that Lord Cardroffe was Fined in 1111 £. for his Ladies keeping two Conventicles in his House, and Christening a Child by an Out-d-Minister without his knowledge: The Provost formerly mentioned, and Baily with many more were also Fined without any regard to Law.

The Council hath at several times proceeded to the taking of Gentlemen dwelling-houses from them, and putting Garrisons in them, which in time of peace is contrary to Law. In the year (75) it was designed against twelve of your Majesties Subjects, and was put in execution in the houses of the Earl of *Calender*, the Lord *Cardross*, the Lady *Amfden* &c. And was again attempted in the year (78:) The Houses belonging to the Lords of *Cisnok*, *Blagar* and *Rowland* were possessed by Souldiers, and declared Garrisons.

rifons. Nor did it rest there; but orders were sent from the Council requiring the Counties about those Houses to furnish them for the Souldiers use, and to supply them with necessaries much contrary to Law. It was against this that *Sr. Patrick Hulme* came to desire a remedy, and common justice being denied him he used a legal protestation the ordinary form of Law, and was thereupon kept many Months a prisoner, and declared incapable of all publick trust, &c.

There is another particular, which because it is so odious is unwillingly touched, yet it is necessary to inform your Majesty about it, for thereby it will appear that the Duke of *Lauderdale* and his Brother have in a most solemn manner broken the Publick Faith that was given in your Majesties name.

One *Mitchel* being put in prison upon great suspicion of his having attempted to murder the late Arch Bishop of *St. Andrews*, and there being no evidence against him, warrant was given by the Duke of *Lauderdale* (then your Majesties Commissioner) and your Council to promise him his life if he would confess, whereupon he did confess; and yet some years after, that person (who indeed deserved many deaths if there had been any other evidence against him) was upon that Confession convicted of the Crime, and the Duke of *Lauderdale* and his Brother being put to it by him, did swear that they neither gave nor knew of any assurance of life given him, and when it was objected, that the promise was upon record in the Council Books; The Duke of *Lauderdale* did in open Court (where he was present only as a witness and so ought to have been silent) threaten them, if they should proceed to the Examination of that Act of Council, which (as he then said) might infer perjury on them that had sworn, and so did cut off the proof of that defence, which had been admitted by the Court, as good in Law, and sufficient to save the prisoner, if proved. Thus was that man hang'd upon that Confession only, though the promise that drew it from him, doth appear upon record, and can be proved by good and clear evidence; And from this your Majesty may judge what Credit may be given to such men.

- We do not at present enlarge on other particulars though of great Importance; such as Monopolizes, selling Places and Honours, turning men of known Integrity out of their employments to which they had a good and just right during their lives, the profusion of one of the most considerable of these being sequestred for some time, and applied for the Dutcheis of *Lauderdale's* use. The treating about, and the receiving of great Bribes by the Duke and Dutcheis of *Lauderdale*, and the Lord *Hatton*, and particularly from the Towns of *Edinburgh*, *Aberdeen*, *Lynlythgo*, and many others for procuring from your Majesties warrants for illegal Impositions within these Towns, the manifest and publick converting of justice in the Sessions, besides these signal abuses of the Mynt, and Copper Coin that are most greivous to all your Subjects, but the number of these is so great, and they will require so many witnesses to be brought hither, for proving them, that we fear it would too much trouble your Majesty now to examine them all. But your Majesty shall have a full account of them afterwards.

One thing is humbly offered to your Majesty, as the Root of these and many other oppressions, which is, that the method of Governing that Kingdom for several years, hath been, that the Lord *Hatton*, and his Adherents, frame any Letter that they desire from your Majesty, to your Council, and sends it to the Duke of *Lauderdale*, who returns it signed; and this is brought to the Council, upon which, if a Debate at any time ariseth concerning the Matter of that Letter, as being against or without Law, and when it is proposed that a representation of that should be made to your Majesty, then the Lord *Hatton* in his insolent way, calls to have it put to the question, as if it were a Crime to have any warrant either debarred or represented to your Majesty, which is procured by the Duke of *Lauderdale* or himself, and this is echoed by his Party, and by this means any further debating is stopped.

There are some other particulars relating to these Heads that are to be offered to your Majesty in other Papers which are not added here, lest your Majesty should now be troubled with too long a Paper.

FINIS.

THE IMPEACHMENT

OF THE

Duke and Dutcheſs of Lauderdale,

With their Brother

My Lord Hatton.

PRESENTED TO

HIS MAJESTY

BY THE

City of Edenborough.



The Matters of Fact particularly relating to the Town of *Edenborough*,
humbly offered for Your Majesties Information.

*Before the Matter of Fact be spoke to, it is necessary that Your Majesty be informed
of one thing upon which this whole Affair hath moved.*

THE City of *Edenborough* had at several times given considerable Sums of Money to the Duke of *Lauderdale*, amounting to upward of Twelve Thousand pounds *sterling*; and the Lord *Hatton*, Brother to the said Duke, being enraged by that their former practice, and being arrived to great height and influence in the Administration of Your Majesties Affairs in *Scotland*, did thereupon resolve on a Design of getting Money for himself also from them, as will appear to your Majesty by the following Narration; but the Magistrates at that time, and such others as had then the principal Influence in the Administration of Affairs in that Town, being honest Men of good Fortunes, and not to be brought to comply with his Design, he bethought himself of all ways to vex them; and knowing they did much value the Prosperity of the Town, he thought that the first means for promoting that his Design, was to have them threatened with removing Your Majesties *Publique Judicatures* from that City to *sterling*; and perswaded his Brother the Duke of *Lauderdale* to move Your Majesty to that purpose; but being disappointed of that project by Your Majesties Royal Wisdom, Your Majesty looking upon it as if it were to declare to the World that You were jealous of so great a Part of that Your Ancient Kingdom, he bethought himself of new ways to accomplish his Design, for which he judged nothing so proper and effectual, as to disturb them in the choice of their Magistrates and Town Counsel; and by all means possible to get some of his own choosing, fit for his own ends, brought into the Administration of the Affairs of that City. In order to which, being impatient of any longer delay, he laid hold of what follows, being the first occasion that offered, though a very frivolous one.

At *Michaelmas* 1674, The said City of *Edinburgh* being to go about the Election of their Magistrates for the ensuing year, there was procured a Letter from Your Majesty to Your Privy Counsel, commanding them to forbid the Magistrates and Town Counsel to proceed in their Elections, but to continue the Magistrates that then were, till Your Majesties further pleasure should be known; the reason suggested to Your Majesty for it, was taken from this Circumstance, That the Election ought to be made upon the Tuesday after *Michaelmas*, and (it happening this year that *Michaelmas* fell to be on a Tuesday) they were resolved to proceed to their Elections upon *Michaelmas* day.

Though this was a very small Matter, and upon very good and prudent Considerations, resolved, as will afterward appear, yet was it represented to Your Majesty as a Factious Design, and an Innovation of dangerous Consequence, tending to create and maintain Faction in that City, contrary to Your Majesties Service. Your Majesties foresaid Letter being intimated to the Magistrates and Town-Counsel, they did immediately give exact obedience to the same.

They did also represent to Your Majesties Privy Council, the Rights that they had for chusing their own Magistrates, which had been granted to them by many of Your Majesties Royal Ancestors, and confirmed by many Parliaments; by virtue of which they humbly conceived they ought to be suffered to proceed in their Elections.

They did also represent to Your Majesties Privy Council, the Reasons which had moved them to resolve of making their Elections on the said Tuesday, being *Michaelmas* day, which in short were, that by their Constitution they were obliged upon the Friday before *Michaelmas* to make the List out of which the Magistrates are to be chosen; after the doing of which there is a Surcease and Vacation of all ordinary Courts of *Judicature* within the Town, and the whole time is spent by the Common People and Tradesmen of the Town, in Rioting and Drinking, until the Elections be finished, which in this case would have been Twelve days; which they did in Prudence think they ought to shorten, not conceiving it contrary in the least to the Established Rules of their Election.

2. On these things they did humbly crave Your Majesties Privy Council would be pleased to represent to Your Majesty, that thereby they might be freed from the suspicion of any Factious Design, with which they were charged by the said Letter.

This being, through the Influence of the Lord *Hatton*, refused by the Privy Council, they dispatched a Gentleman to the Duke of *Lauderdale*, with Letters and Instructions full of Respect and Submission to his Grace.

The Gentleman at his first Arrival found Duke *Lauderdale* very kind, and was made believe he should be quickly dispatched with Answers according to his Desire; but some Delays having fallen in, the Duke of *Lauderdale* fell likewise upon thoughts of getting Money from the Town upon this occasion, and therefore pretending still more and more kindness to the said Gentleman; he did first by some Insinuations let fall to him his Expectation, and at last flatly asked him if he had not brought a heavy Purse with him; which when he understood, he was not to expect, he changed his Method, and grew harsher; and having detained him Five or Six Weeks, he the said Duke entered into Consultation with his old Friend Sir *Andrew Ramsay*, how to order the Affair. By his Advice he did write a Letter and sent Proposals to the said Town, That they should give Bond and Security, That the Townsmen should live regularly as to all matters Ecclesiastical in the largest extent, as the same is determined by the late Acts of Parliament; and to keep the Town free of all sorts of Tumults, either of Man or Woman: judging that this was impossible for them to perform, and unfavourable to attempt, and that therefore it would oblige them to make offers of Money.

This Letter was all the Gentleman could obtain, and having gone back to *Scotland* and delivered it to the Magistrates, they were so far from being carried in the Design, that

that they were glad of that opportunity to witness their Zeal to serve Your Majesty; for they did very heartily comply with what was proposed concerning the Bonds and Securities demanded; and immediately urged that Your Majesties Officers and Lawyers would cause draw such Bonds and Securities as was fit for the purpose; offering good Security for great sums of Money for the performance. But this not being the thing truly intended, their ready Compliance with it, set them yet farther off from their desired Settlement, and served for no other intent then to cause the Lord *Hutton* to double his diligence to find out new means to molest them; to which end it was alledged by him that they had of old forfeited their Priviledges and Liberties by some great misdemeanour, and that therefore they had not right to chuse their own Magistrates, for which he would needs have their Records searched; and accordingly they themselves, with their Books and Records, were in a most unusual manner brought often before him and his Friends, though they had not Authority for it, to the great Disturbance and Annoyance of the Citizens, by being abundantly jealous of their Liberties, were with no small care kept within the due Bounds of Moderation, by the Loyalty and Vigilancy of their Magistrates.

They the said Magistrates, finding how they were used at home by the Lord *Hutton*, did again apply themselves to the Duke of *Lauderdale*, both by private Letters to the Duke of *Lauderdale* and his Dutches, from some of the most eminent of them, full of Assurances of particular Respect to their Graces, and by a publick Letter to him from the whole Town Council, offering Bond and Security to him in the terms proposed by his fore-mentioned Letter. But this could not prevail, it being objected to them, from some frivolous things the Lord *Hutton* had scraped together out of their old Records, that they had lost their Liberties, and that the right of chusing their Magistrates did no more belong to them.

Then did they produce their Charters, and did convincingly clear all mistakes, and evidently make appear that the right of chusing their own Magistrates did remain to them undoubtedly and intirely.

All these things being cleared and open, they expected to be restored to the free exercise of their Election in their accustomed manner. They were still kept off with Delays, until the Lord *Hutton*, in pursuance of his Design, fell a practising with some few of themselves, who did undertake with his assistance, to get such Elected as were fit for his ends; whereupon he writes to his Brother the Duke of *Lauderdale* to move Your Majesty for a Letter, and accordingly the Letter was procured from Your Majesty upon the Seventh of *August* 75; wherein Your Majesty, after reciting Your former Orders in that Affair, did declare, that You were well informed of their Obedience to Your Commands, and of their dutiful Carriage in Your Concerns; and therefore ordained them, the next day after the Receipt of the Letter, to convene their whole Council, after their accustomed manner, and out of the Lists already made, to Elect the Lord Provost, Baylies, and other Officers.

According to which Letter, they did the next day proceed to their Elections, but instead of those whom the Lord *Hutton* expected they would have chosen, they did Elect some Men of good Fortunes and Integrity, not at all fit for his purpose (these who had ingaged to him not being Men of that esteem or influence as to be able to carry his Design as they had undertaken.)

The new Magistrates and Council, did immediately after their Election, acquaint Your Majesty with their Procedure, and gave Your Majesty great Acknowledgements and Assurances of their care of the Peace of the Town, and of Your Majesties Service in all Matters, both Ecclesiastical and Civil.

The said Lord *Hutton* being exceedingly enraged at this Act of theirs, did by Advice of Sir *George Mackynge*, now Your Majesties Advocate, send a Letter to the Duke of *Lauderdale*, to which he procured Your Majesties Hand upon the 25th of the same month of *August*, by which Your Majesty ordered Your Privy Council

Council to intimate to the Magistrates and Town Council, that it was Your Majesty's Pleasure that there should be turned out of the Town Council and declared incapable of any Publicque Trust in the said Town, Twelve of the most eminent of the same Men with whom Your Majesty had expressed Your Self so well pleased, and whose Actions Your Majesty had approved, by Your Letter of the Seventh of the said month.

This was accordingly executed by the Privy Council, without ever so much as calling before them the said Persons, though great Crimes were laid to their Charge, as being Factious Persons, and mis-representing Your Majesties Proceedings, without mentioning any particular Fact of theirs which could import any such Crimes. And though they be threatened by the said Letter to be pursued for these great Crimes, and that Your Majesties Advocate is commanded in the same to insist against them; yet could they never obtain from Your Majesties Privy Council that they should be Tried for these things, though by a Petition signed by the whole Twelve, they did represent the great Prejudice they sustained both in their Reputation and Trade, by being kept under such Threatnings; and therefore did humbly offer themselves to the strictest and severest Tryal. To which Petition they never received any Answer.

To make appear to Your Majesty that these things were done for private and sinistrous Designs, and not upon account of the ill Effectedsness or factious Dispositions of the Men, as was pretended; Your Majesty is humbly prayed to take notice of these particulars following:

First, There are three of the most considerable of these very Persons who have been charged with so great Crimes, admitted since that time, by bribing the Dutchess of *Lauderdale*, into a Trust in Your Majesties Affairs in Scotland, more eminent and considerable than any Trust the Town of *Edinburgh* can confer (*viz.*) The Paying off Your Majesties Forces, and bringing in Your Majesties Excise.

Secondly, No sooner were these Twelve Men turned out of the Town Council, but after many great and essential Informalities (with the recital of which it is needless to trouble Your Majesty) they Elected for Magistrates Men of no Reputation, either for Parts, Estate, or Honesty. And though these Bonds and Securities, which had been demanded from the others, and consented to by them, was formerly pretended to be of great importance for Your Majesties Service, yet they were not so much as once demanded, either by the Duke of *Lauderdale* or the Lord *Hatton*, from these Men who were now chosen.

Thirdly, These new Magistrates were not long in their Seats, when off comes the Mask, and the true Design of getting Money appears. For by an Act of the Town Council there is about 5000 *l. Sterling* disposed on amongst their nameless Friends, which were the Duke of *Lauderdale*, the Lord *Hatton*, and some other of their Friends. A great sum to be got from that City, considering that the Duke of *Lauderdale* had got before that about 12000 *l. Sterling* from them, and the

The Dutchess of *Lauderdale*, did also since that time endeavour to get more Money from them, and did with great Wrath threaten the Magistrates in plain terms, for not giving her a Present, notwithstanding all the Good she said she had done for them, reckoning the Favour Your Majesty hath at any time been pleased to bestow upon them, as done by her self.

Thus hath that poor Town been abused, and doth now by having Magistrates without either Conduct or Courage, in a time when the Disorders of that Nation doth require Persons to be employed there of eminent Fidelity and Capakiry to serve Your Majesty.